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9	UNITED STATE	S DISTRICT COURT
10	DISTRIC	Γ OF NEVADA
11	BOARD OF TRUSTEES OF THE	Case No.
12	CONSTRUCTION INDUSTRY AND	Cuse 110.
13	LABORERS JOINT PENSION TRUST FOR SOUTHERN NEVADA and THE	
14	CONSTRUCTION INDUSTRY AND	COMPLAINT
15	LABORERS JOINT PENSION TRUST FOR SOUTHERN NEVADA	
	Plaintiffs,	
16	vs.	
17	vs.	
18	RECREATION DEVELOPMENT COMPANY, LLC a Nevada limited liability	
19	company,	
20	Defendant.	
21		
22	Plaintiffs allege:	ı
23		ION AND VENUE
	<u> </u>	CI, III ID I III I UI

- 1. The claim at issue in this Complaint presents a present, actual, and justiciable controversy arising under federal law.
- 2. The Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question), and 29 U.S.C. § 1401(b)(1).

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3.	Venue	is proper	under	29	U.S.C.	§	1451(d)	because	the	Pension	Trust	i
administered	d in Clark (	County M	wada									

### **PARTIES**

- 4. Plaintiffs are the Board of Trustees of the Construction Industry and Laborers Joint Pension Trust for Southern Nevada (the "Board of Trustees") and the Construction Industry and Laborers Joint Pension Trust for Southern Nevada (the "Pension Trust") (collectively referred to as "Plaintiffs").
- 5. The Board of Trustees is made up of fiduciaries of the Pension Trust for purposes of ERISA.
- 6. The Pension Trust is an "employee benefit pension plan" as defined in 29 U.S.C. § 1002(2); and a "multiemployer plan" as defined in 29 U.S.C. §§ 1002(37) and 1301(a)(3).
- Defendant, Recreation Development Company, LLC ("RDC") is a Nevada limited 7. liability company and is an employer within the meaning of 29 U.S.C. § 1002(5).

# FACTUAL BACKGROUND

- 8. RDC was signatory to a collective bargaining agreement that required RDC to make employee benefit contributions to the Pension Trust.
- 9. RDC permanently ceased all covered operations under the plan and/or ceased to have an obligation to contribute under the plan. This constituted a "complete withdrawal" under 29 U.S.C. § 1383.
- 10. On September 3, 2021, the Pension Trust sent a withdrawal liability assessment and demand for payment to RDC in the amount of \$595,120, with the first quarterly payment of \$34,508 due on September 1, 2021.
- 11. On September 29, 2022, the Pension Trust provided RDC with written notice that it was delinquent on its payments, and provided sixty (60) days for RDC to cure the default.
  - 12. To date, RDC has made no withdrawal liability payments.

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SOLE CAUSE OF ACTION
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# (Judgment for Withdrawal Liability)

- 13. Plaintiffs hereby incorporate the allegations contained in paragraphs 1 to 12 as though fully set forth herein.
  - 14. This dispute is a case of actual controversy within this Court's jurisdiction.
- 15. The Pension Trust provided RDC with a withdrawal liability assessment, and RDC has failed to make the required payments. The Pension Trust gave RDC a 60-day period to cure the default, but RDC has failed to do so.
- 16. Due to RDC's failure to make payments on the schedule set by the Pension Trust, Plaintiffs seek a judgment for the entire assessed withdrawal liability amount, as well as interest, liquidated damages, and attorney's fees.

## **WHEREFORE**, Plaintiffs pray for relief as follows:

- A judgment in favor of the Pension Trust awarding the entire withdrawal liability 1. owed by RDC, interest, liquidated damages, and attorney's fees; and
  - 2. For such other and further relief as the Court deems proper.

Dated: January 11, 2022. BROWNSTEIN HYATT FARBER SCHRECK, LLP

# /s/ Christopher M. Humes

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